

Remarks

This is in response to the Office Action dated October 26, 2006.

The examiner has finally rejected claims 1 and 3-18 under 35 U.S.C. 103(a) as being unpatentable over the combination of Rammler (US 5327891) and Sarkis (US 5921933), alone or further in view with newly cited Kouik (US7014610).

It is respectfully submitted that the newly cited Kouik (US7014610) does not add anything of significance to the prior art. Kouik describes ways in which a porous material can be made and coated on the surface of an article, such as a catheter, which is intended to be made echogenic. Kouik, therefore, starts off with a non-echogenic article and makes it echogenic by coating. This is not what the inventor proposes and is contrary to the claims of the present application.

The claims of the instant patent application specifically state that the gas bubbles are within the thicker of the layers, not in the thinner layer as taught by Kouik. The purpose of the thinner layer in the instant invention is to cover the surface of the bubble-filled layer to avoid any problems that might otherwise be caused by surface imperfections in the bubble layer where bubbles break the surface. By contrast, Kouik teaches that the porous surface be applied as a coating to a surface of an article where the porous surface would be exposed.

The above amendment to the main claims now emphasizes that the thinner layer covers, protects or conceals the surface of the bubble-filled layer.

The problem with using bubble-filled material to provide an echogenic character to a device is that the surface of the material can have surface imperfections as a result of bubbles breaking the surface. This form of rough surface is not ideal in some applications, such as embryo catheters (where the bore has to be atraumatic so that oocytes and embryos are not damaged) or for other catheters required to have a smooth external

surface. The arrangement of the present invention means essentially that a catheter or the like made predominantly of an echogenic, bubble-filled material can be given a smooth internal surface where the catheter is to be used for handling oocytes or embryos. Alternatively, or additionally, the outside of the catheter could be given a smooth surface where the external surface of the catheter comes into contact with delicate tissue surfaces.

Reference to the Sarkis and Rammler documents were made before. Sarkis essentially describes a needle or the like given an echogenic external surface by a gas-filled coating. Rammler describes a catheter with passages containing a liquid or gel containing bubbles. Both these prior arrangements are clearly quite different from the arrangement required by the claims of the present application. Adding Kouik does not in any way help towards suggesting a device with a bubble-filled thick layer and a thinner protective layer that is free of bubbles. Indeed, the whole teaching of the prior art is away from this and is instead to applying an echogenic coatings to an otherwise non-echogenic device.

In light of the foregoing, it is respectfully submitted that the pending claims are patentably distinguishing over the prior art. Accordingly, the examiner is respectfully requested to enter this amendment, reconsider the application and pass the same to issue at an early date.

If the examiner has suggestions for expediting the prosecution of this case, he is respectfully requested to contact the undersigned.

Respectfully submitted,



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Date: July 2, 2007